

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA

) Magistrate Docket No. CBMHR 12 PM 2:56**'08 MJ 0795***JMS*

Plaintiff

v.

Ismael JIMENEZ ARTEAGA
AKA: Christopher David CRUZ
Ider Francisco FARFAN

) COMPLAINT FOR
) VIOLATION OF:
) **TITLE 18 U.S.C. § 1544**
) **Misuse of Passport (Felony)**
)
) **TITLE 18 U.S.C. § 1543**
) **Forgery or False Use of Passport**
) **(Felony)**

The undersigned complainant, being duly sworn, states:

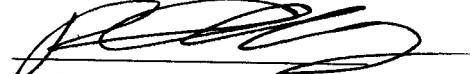
Count 1

On or about March 11, 2008, within the Southern District of California, defendant Ismael JIMENEZ ARTEAGA did knowingly and willfully use or attempt to use an altered passport, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting altered U.S. passport number 036758942 issued in the name Christopher David Cruz and photo substituted with a photograph of defendant, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Christopher David Cruz, that the passport was altered; in violation of Title 18, United States Code, Section 1543.

Count 2

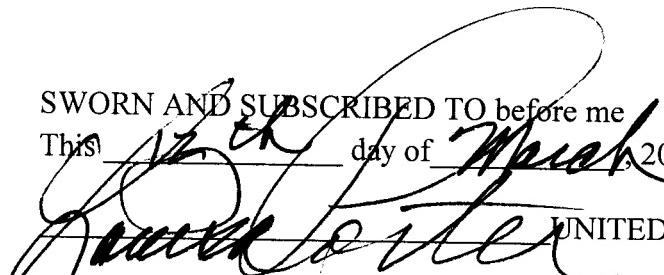
On or about March 8, 2008, within the Southern District of California, defendant Ismael JIMENEZ ARTEAGA did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting US passport number 039076745 issued in the name Ider Francisco FARFAN, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Ider Francisco FARFAN, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport; in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Richard M. Escott
 Senior Special Agent
 U.S. Department of State
 Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me
 This 12 day of March, 2008.


 UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

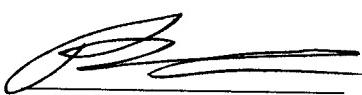
1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for eight years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.
2. During the performance of my duties, I have obtained evidence that Ismael JIMENEZ ARTEAGA used the passport issued and designed for the use of another and used or attempted to use an altered U.S. passport. This Affidavit is made in support of a complaint against DEFENDANT for violations of Title 18, U.S.C., Section 1544, Misuse of a Passport and Title 18, U.S.C., Section 1543, Forgery or False Use of a Passport.
3. On 03/11/2008, at approximately 1000 hours, DEFENDANT presented himself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Ysidro Port of Entry, to apply for admission into the United States. DEFENDANT identified himself with altered U.S. Passport number 036758942 bearing the name Christopher David CRUZ, DPOB 09/22/1983, California, U.S.A., and a photograph of DEFENDANT. The CBP Officer suspected that the passport had been altered and referred the DEFENDANT for secondary inspection. In secondary inspection, a fingerprint check revealed that DEFENDANT had attempted to gain entry into the U.S. through the Otay Mesa Port of Entry using a false U.S. passport on 03/08/2008 and had been formally removed to Mexico on or about 03/08/2008.
4. On 03/11/2008, at approximately 1115 hours the Affiant was advised by a CPB Officer at the San Ysidro POE that DEFENDANT had been detained at the secondary inspection area of the San Ysidro POE.
5. Affiant conducted record checks of a U.S. State Department database and found that the passport that DEFENDANT used on 03/11/2008 originally beared the birth date of 09/22/1993, not 09/22/1983, as DEFENDANT had presented. The photograph on the original passport was that of an approximately 5 year old child, not the current photograph of the DEFENDANT. The passport also originally was issued as passport number 036858972, not 036758942 as presented by DEFENDANT. Affiant also obtained a copy of the passport used by DEFENDANT at the Otay Mesa Port of Entry on 03/08/2008.
6. On 03/11/2008, at approximately 1530 hours, DEFENDANT was retrieved from the pedestrian secondary inspection area and was brought to an interview room. The Affiant assisted by a CBP Officer, who also acted as translator, obtained consent from DEFENDANT to have his interview audio and video taped. DEFENDANT read his Miranda warning aloud in Spanish from a written copy. He indicated

that he understood and waived his right to counsel. He admitted that his true name was Ismael JIMENEZ ARTEAGA, DPOB 05/31/1982, Queretaro, Mexico. He stated that he was a citizen of Mexico and not a citizen of the United States. DEFENDANT admitted that on or about 03/07/2008 he paid a smuggler \$100 for a false U.S. Passport. He admitted that he subsequently used that passport to apply for entry into the United States at the Otay Mesa Port of Entry on or about 03/08/2008. DEFENDANT only remembered that the first name on the passport was Francisco; however, he was able to identify a copy of U.S. Passport number 039076745, bearing the name Ider Francisco FARFAN as the passport he purchased and subsequently used at the border on 03/08/2008. DEFENDANT admitted that on or about 03/08/2008 he was formally removed to Mexico and informed that he was restricted from returning to the United States without permission. He admitted knowing that the passport was not issued or designed for his use and that it was a violation of US law to use a passport in the name of another.

7. DEFENDANT admitted that after being removed from the United States, he paid another smuggler \$50 for altered U.S. passport number 036758942, bearing the name Christopher David CRUZ, which he subsequently used on or about 03/11/2008 to apply for admission into the United States at the San Ysidro Port of Entry. DEFENDANT stated that the smuggler had taken his photograph and inserted it on the passport, altering it from its original state. He admitted knowing that it was illegal to use an altered U.S. Passport and a passport issued in the name of another. He also admitted knowing that the passport was not issued or designed for his use by the United States Government.

8. DEFENDANT made a recorded oral confession as to his true identity and to elements of the charges. DEFENDANT said that he had previously been living illegally in the United States from 2000-2008.

On the basis of the facts presented in this probable cause statement consisting of 2 pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on or about 03/08/2008 - in violation of Title 18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Ider Francisco FARFAN, knowing that it was not issued or designed for his use, in order to gain admission into the United States; and on or about 03/11/2008 - in violation of Title 18, United States Code, Section 1543: Forgery or False Use of Passport - when he knowingly and willfully used a photo altered passport, in order to gain admission into the United States.



Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service